

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Y.A., A MINOR CHILD BY  
NEXT FRIEND, IBRAHIM  
ALZANDANI, W.A., A MINOR  
CHILD BY NEXT FRIEND,  
NADHEM ALNAJAR, AND A.M.,  
A MINOR CHILD BY NEXT  
FRIEND, ABRAHAM MUZIB,  
Personally and on behalf of all  
similarly situated persons,

Plaintiffs,

v.

HAMTRAMCK PUBLIC  
SCHOOLS, WAYNE COUNTY  
REGIONAL EDUCATIONAL  
SERVICE AGENCY, AND  
MICHIGAN DEPARTMENT OF  
EDUCATION,

Defendants.

No.: 2:23-cv-12817-DML-DRG

HON. DAVID M. LAWSON

MAG. DAVID R. GRAND

**DEFENDANT MICHIGAN  
DEPARTMENT OF  
EDUCATION'S NOTICE OF  
APPEAL**

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**DEFENDANT MICHIGAN DEPARTMENT  
OF EDUCATION'S NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Defendant Michigan Department of Education (MDE) hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Order denying MDE's motion to dismiss (ECF No. 67), entered in this action on September 24, 2024. On December 13, 2024, MDE filed a Petition for Permission to Appeal

Pursuant to 28 U.S.C. § 1292(b). On July 3, 2025, the Sixth Circuit Court granted the petition to appeal. (See Exhibit A, July 3, 2025 Order, Document: 14; Exhibit B, July 3, 2025 Judgment.) The Sixth Circuit ordered that the issues on appeal pursuant to 28 U.S.C. § 1292(b) are: (1) whether the Individuals with Disabilities Education Act's (IDEA) exhaustion requirement contains a futility exception; and (2) whether a State Education Agency may be liable under the IDEA, and if so under what circumstances.

Respectfully submitted,

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Dated: July 15, 2025

## CERTIFICATE OF SERVICE

I hereby certify that, on **July 15, 2025**, I electronically filed **Defendant Michigan Department of Educations' Notice of Appeal** with the Clerk of the Court using the ECF system which will send notification of such to all represented parties.

/s/ Neil A. Giovanatti

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